UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/SR.3
14 March 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 March 1997, at 3 p.m.

Chairman: Mr. SOMOL (Czech Republic)

CONTENTS

ORGANIZATION OF THE WORK OF THE SESSION (continued)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-10846 (E)

The meeting was called to order at 3.15 p.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/1997/3, 11 and 98 and Add.1; E/CN.4/1997/L.2)

1. Mr. CHIFAMBA (Zimbabwe) said that whereas, because of the polarization of views in the past, the debate had tended to be confrontational, the Commission should henceforth be guided by the principle of cooperation for the promotion of human rights. Its members should think, speak and act positively in furtherance of the human rights cause and endeavour to strike a balance in the treatment of civil and political rights, on the one hand, and economic, social and cultural rights, on the other. His delegation thus supported the draft resolution contained in document E/CN.4/1997/L.2, adoption of which would help facilitate transparency and ensure that all the decisions and resolutions adopted would embody the widest possible range of views.

2. By conducting its business in a spirit of consultation and cooperation, the Commission would be able to complete its work on time and in a productive manner. To that end, he requested the Secretary of the Commission to ensure that all draft decisions and resolutions were distributed as soon as they had been submitted to the Secretariat.

3. Mr. THINLEY (Bhutan) said that his delegation endorsed the statement made by the representative of Malaysia on behalf of the Asian Group, especially with regard to the need to ensure that meetings started on time, that time limits were strictly observed and that delegations were encouraged to make statements on clusters of items. Night meetings should, if possible, be avoided. It also thought that, as a result of a genuine process of rationalization, the duration of the Commission's sessions could be shortened without any damage to the Commission's importance or effectiveness.

4. His delegation was, like many others, concerned at the politicization, selectivity, subjectivity and lack of transparency in the Commission's consideration of the various issues, which all too often resulted in confrontation. Whether the polarization between seemingly opposite camps was a matter of deliberate intent was less important than the pervasive suspicions it engendered. Corrective measures should be undertaken to make the environment in the Commission more congenial and more conducive to cooperation and harmonious endeavour.

5. As it had stated at the previous session, his delegation was strongly in favour of making consensus the basis of all the Commission's decisions on both thematic and country-specific issues. Friendly and collective persuasion should replace insensitive and often counter-productive coercion, and the Commission should seek the consent and cooperation of the concerned parties rather than condemn them.

6. In conclusion, recalling that Bhutan had been the first country that the High Commissioner for Human Rights had visited upon taking up his post, he expressed his delegation's deep appreciation of Mr. Ayala Lasso's efforts during his period of tenure.

7. Mr. HYNES (Canada) said that his delegation's approach to the question of the manner in which the Commission conducted its business was guided by two basic concerns. The first concern was the development and strengthening of the United Nations institutions and mechanisms for the promotion and protection of human rights. It had always striven to achieve consensus on those matters, generally with success.

8. The second concern was that the human rights institutions and mechanisms, including the Commission's authority to adopt resolutions, should be put to use in real life situations. His delegation agreed with the speakers who had emphasized the desirability of securing the widest possible agreement - if possible consensus - on resolutions of all kinds, including those on country situations. Where consensus could not be achieved, however, the Commission must not evade its responsibility to act. Such an abdication of responsibility would constitute a failure to fulfil the Commission's mandate and a betrayal of the faith placed in the Commission by citizens of all countries, not least the victims of human rights violations.

9. Against that background, his delegation was willing to consider ways and means of improving the Commission's working and decision-making methods. A formal decision confirming the established practice of seeking consensus on decisions appeared unnecessary and there was a potential danger of inflexibility inherent in such a decision. Other interesting suggestions, including some by the Asian Group, warranted further consideration, and his delegation pledged its full cooperation in discussing those matters within any framework the Chairman deemed appropriate.

10. In conclusion, with reference to the exchange that had taken place at the previous meeting in connection with the statement by the Minister for Foreign Affairs of Sweden, his delegation endorsed the views expressed by the representatives of Germany and the Netherlands. All delegations had the right to freedom of expression, including the right to disagree with the views of others, but that right must not detract from the freedom of expression of others. He appealed to all delegations to treat the Commission's guests with appropriate respect.

11. Mr. KRAVETZ (El Salvador) said that, as far as methods of work were concerned, the Commission should, whenever possible, try to reach consensus, as had been its practice in the past. Meetings should begin on time and speakers should focus on specific issues and be brief.

12. Mr. van WULFFTEN PALTHE (Netherlands), speaking on behalf of his own delegation rather than the European Union, said he noted with regret that the interesting and constructive suggestions made at the previous session for improving the Commission's work, including those of the Asian Group, had been succeeded by familiar complaints of politicization, selectivity, lack of transparency, etc., leading up to the tabling of the draft resolution on the organization of work (E/CN.4/1997/L.2). If the purpose of that draft resolution was to ensure that the Commission should strive for consensus, a practice it had always adopted, he had no difficulty in agreeing. Unfortunately, however, it was not always possible to achieve consensus and, in such cases, the Commission was obliged to resort to a vote, the most democratic instrument available to it.

13. The confrontational approach to the issue was all the more regrettable as the sponsors of the draft resolution manifestly failed to practise what they preached. Instead of inviting all the countries responsible for controversial drafts to meet them for the purpose of discussion, they simply adopted the approach of laying the blame on others. As a member of a group of delegations which had been engaged since October 1996 in conducting consultations with all regional groups, he was disappointed to note that no reference had been made to those consultations, which had always taken place in an excellent atmosphere and had proved most helpful.

14. He wondered whether the proponents of the draft resolution were really interested in exchanges of that kind. One speaker had actually described the draft resolution as a political statement, a comment that was difficult to reconcile with the sponsor's insistence on the need to depoliticize the Commission's work.

15. It was to be hoped that the debate would be brought to a rapid conclusion so that the Commission could embark upon its work with a maximum of transparency, consultation and dialogue.

16. Mr. CASTRO (Colombia) gave a brief account of the establishment of an office of the High Commissioner for Human Rights in Colombia, and said it would be operational very shortly, once staffing arrangements had been finalized. The success of the office would depend on its adoption of a balanced, objective and non-politicized approach to human rights. Any other approach would simply make an already difficult situation worse. Hopes were high that the office would enjoy the confidence of all the parties involved in the country's internal conflict, so that violations of human rights on all sides could be detected and avoided in the future.

17. The establishment of the office was an integral part of his Government's policy to improve the grave human rights situation in Colombia. It was one way in which international cooperation could help to solve conflicts, the eloquent result of a policy of dialogue and agreement, as it had been described by the High Commissioner for Human Rights.

18. Ms. CASTRO (Latin American Federation of Associations of Relatives of Disappeared Detainees), speaking on behalf of over 90 social organizations in Colombia, referred to the concern expressed by the Chairman of the Commission at its fifty-second session and recalled that the High Commissioner had urged the Government of Colombia to set up a permanent office as soon as possible, with the dual aims of developing programmes to promote and protect human rights in Colombia and presenting an analytical report to the Commission at its current session.

19. The social organizations in Colombia fully supported the initiative to set up such an office, seeing it as a significant contribution by the international community to combating the human rights violations and political violence arising from the armed conflict in Colombia. Nonetheless, it was regrettable that, one year after the decision to set up the office of the High Commissioner and despite the concern shown by the Commission, it was not yet operational and no report had as yet been compiled.

20. The human rights situation in Colombia had deteriorated even further in 1997, and each year of inaction by the United Nations saw more than 3,000 people die for political or ideological reasons, with those guilty remaining unpunished, while almost 180,000 people had been displaced as a result of political violence.

21. She called on the Commission to express, once again, its deep concern at the continuing seriousness of the human rights situation in Colombia. Her organization would support the work of the office in every possible way; one more year without close monitoring of the crisis would be a serious omission on the part of the United Nations.

22. As unforeseen bureaucratic or political problems could arise, and certain groups opposed to the presence of the office had threatened to challenge it in the courts, she urged the Commission to appoint a suitably qualified person to guarantee the functioning of the office and ensure that a report was prepared in time for the fifty-fourth session of the Commission.

23. She then requested a minute of silence to honour the memory of Josué Giraldo Cardona, a Colombian human rights campaigner murdered on 13 October 1996.

24. At the invitation of the Chairman, the members of the Commission observed a minute of silence.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (E/CN.4/1997/13-16, 107, 109, 111, 116, and 117)

25. Mr. HALINEN (Special Rapporteur), introducing his report on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/1997/16), said that the peace process in the Middle East was essentially a political and economic process without a clearly delineated human rights component. While human rights were not the raison d'être for the Oslo Agreements or for the so-called permanent status negotiations, which were expected to begin later in the current week, they could not be set aside to await the outcome of the negotiations, nor could the peace process prejudge the exercise of human rights in the Palestinian territories in the future.

26. The guarantee for the respect of human rights was full de facto implementation by both Israel and the Palestinian Authority of international human rights law, as embodied in the International Covenants and other international human rights instruments.

27. As the key forum for the consideration of human rights issues, the Commission would be well advised to undertake a thorough review of its work, devoting special attention to efficiency and results. As far as developments on the ground over the past few years were concerned, emphasis should be placed on improving the Commission's working methods, including making changes to those functions and resolutions which had become obsolete.

28. In his capacity as Special Rapporteur, he called for a more forward-looking and business-like approach to the discussion of the human

rights situation in the Middle East. Ignoring relevant developments or imposing conditions for their consideration would make possible improvements in addressing human rights problems less likely.

29. The root cause of most, but not all, of the serious human rights concerns still prevailing in the area was the foreign occupation of the Palestinian territories. Some of those concerns, including settlements, closures, and the treatment of prisoners and detainees, were briefly outlined in the report. The fate of women and children seemed to be particularly preoccupying. The settlements issue, which was currently in the forefront of international attention, might be replaced by another problem tomorrow. His concern was to ensure that day-to-day international interest should lead to the prevention of human rights violations rather than operate to the detriment of the human rights situation.

30. The Commission should not restrict itself to considering violations but should, instead, focus its attention on remedies. While Governments naturally had a decisive role to play in achieving concrete results, he was particularly encouraged by the enthusiastic and impressive response by non-governmental organizations (NGOs), scholars and individuals on both sides, and looked forward to their active participation in the debate.

31. Despite occasional setbacks and increased tensions, recognition of the fact that Israelis and Palestinians would have to live together was gradually gaining ground. Effective, concerted action by the parties concerned at the bilateral, regional and global levels was needed to focus on human rights in the context of the Middle East peace process.

32. Mr. RAMLAWI (Observer for Palestine) said that, despite successive Commission resolutions, the human rights situation in Palestine and the other Arab territories had deteriorated as a result of the Israeli occupation. Hopes of peace had faded.

33. The Israeli military presence and settlement activities continued. Such activities were a grave violation, in particular, of the fourth Hague Convention of 1907 and the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) of 1949. Furthermore, settlements resulting from military occupation constituted a flagrant violation of a jus cogens of international law with regard to self-determination. They violated self-determination because they sought to usurp Palestinian territories, displace their inhabitants and alter their demographic, geographical and legal character by force of military occupation.

34. In the Arab city of Jerusalem, the occupation authorities had decided to construct 6,500 housing units for Jewish settlers in Jabal Abou Gnim and withdraw Palestinian identity cards with the object of Judaizing the city. A previous decision had been taken to build 700 housing units to support the Kadomim settlement close to Nablus and 600 housing units in Hebron to bring to 25,000 the number of Israeli settlers in that city.

35. Settlement activities also constituted a violation of the agreements between the Palestine Liberation Organization and the former Israeli Government which stated that no change should take place in Jerusalem

during the transitional phase. Indeed, the Government of Israel was acting in total contradiction to the accords - of which 34 points had still to be implemented - most recently when it withdrew from only 9 per cent of the territories in the West Bank from which it had agreed to withdraw.

36. Furthermore, the Supreme Court of Justice in Israel had permitted the use of torture and physical pressure against three Palestinian citizens during questioning since January 1996. It had thus provided a legal framework for the torture which had been taking place during questioning and in prisons for 30 years. Such legalization of torture had occurred only in Israel and against the Palestinians.

37. Meanwhile, collective punishments, such as the destruction of houses, the uprooting of fruit trees and the closure of Palestinian territories, remained a systematic Israeli policy. Such punishments were surely a war crime. Similarly, the interruption of medical supplies for a full year surely constituted mass extermination. Other genocidal acts had also occurred. As confirmed by an Israeli newspaper, the Israeli authorities had infected 300 Palestinian children with the HIV virus by injection during the years of the intifadah.

38. If those and other violations of human rights detailed in the Special Rapporteur's report were not brought to an end, the peace process could be destroyed and the region could relapse into the age of wars and bloodshed, the responsibility for which would fall on Israel.

39. Mr. AL-HUSSAMI (Observer for the Syrian Arab Republic) said that the sustained violation of the human rights of Syrian citizens living in the Golan would cease only when Israel terminated its occupation. Occupation was by definition invariably hostile and discriminatory; its effects were likely to be even more vicious when it was combined with colonization, as in the case of Israel's practices in the Golan and other occupied Arab territories.

40. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/51/99 and Add.1 and 2) confirmed that the Israeli occupation authorities were progressively tightening their grip on the territory and on the population through a series of measures designed to Judaize and annex the Golan. Those measures included confiscation of land, farms, livestock and property, expulsion of the inhabitants and their replacement by Jewish settlers, the expansion of settlements and the establishment of military settlements to consolidate the occupation.

41. All but 5 of the 240 villages in the Golan had been destroyed and all but 20,000 of the 160,000 Syrian inhabitants had been expelled. Moreover, the Syrian population was subject to such inhuman practices as raids on their homes, repression, terrorism, detention, imprisonment, isolation of one village from another, restrictions on freedom of movement, deprivation of irrigation and even of drinking water, economic pressure, political pressure, such as the imposition of Israeli nationality, obliteration of their national culture and archeological heritage, suppression of freedom of opinion, religious persecution and poor health care.

42. On the other hand, the number of Israeli settlements currently exceeded 40, accommodating more than 15,000 settlers, who constituted an odious and ultra-fanatical instrument of occupation, violating the basic human rights of Syrian landowners. In that connection, paragraphs 720-773 and 834-838 of the Special Committee's report demonstrated that Israel's practices in the Golan were incompatible with the basic principles of international law.

43. The cessation of the occupation was the only way to achieve a just and comprehensive peace in the region. Otherwise there would be further aggression and acts of legitimate national resistance, the consequences of which were unpredictable. The Special Committee itself stated that the situation of human rights in the occupied territories had "deteriorated remarkably since the beginning of the peace process, contrary to expectations". In view of that evidence, the assertions by the Israeli Prime Minister that Israel had to remain in the Golan to ensure its own security and the substantial expansion of Israeli settlement, it might be wondered whether the Israeli Government was really seeking a just and comprehensive peace based on respect for United Nations resolutions and the principle of "land for peace".

44. His country remained committed to the peace process, in accordance with the principles and guidelines established at the 1991 Madrid International Peace Conference on the Middle East, whereby Israel was to withdraw from every inch of the occupied Syrian Golan to the 4 June 1967 line, from southern Lebanon and from the occupied Palestinian territories. Syria was willing to resume the negotiations, but only from the point at which they were suspended. The Israeli proposal that they should be resumed from their starting point, without preconditions, was in itself a precondition, since it implied Israel's repudiation of the Madrid guidelines.

45. His delegation would in due course submit to the Commission a draft resolution on the occupied Syrian Golan, which it hoped would be adopted.

46. Mr. van WULFFTEN PALTHE (Netherlands), speaking on behalf of the European Union, and of the associated countries of Bulgaria, Cyprus, Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia, said that, while the peace process had been hampered by disturbing incidents, other events, such as the Protocol Concerning the Redeployment in Hebron, showed a continuing commitment thereto. The peace process could not be allowed to stagnate; it was therefore crucial to tear down the barriers of mutual distrust. Only thus could the Oslo Agreements be implemented.

47. The delegations for which he was speaking deplored the fact that both Israel and the Palestinian Authority had invoked security and public order considerations to justify the use of torture and other serious human rights abuses. Incidents of unlawful imprisonment, torture and ill-treatment of detainees by Israel continued to occur. Moreover, Israel's Government and judiciary had taken the unprecedented step of sanctioning higher levels of "physical pressure" against Palestinian detainees. He urged the relevant authorities to respect the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

48. Numerous human rights abuses committed by the Palestinian security services had also been reported, ranging from arbitrary political arrest and prolonged detention without charge or trial to the widespread use of torture and unlawful killings, among other abuses. He urged the Authority to stop such unacceptable practices at once and bring the perpetrators to justice. In addition, both parties should cooperate with the Special Rapporteur in seeking ways to improve the human rights situation and thus improve the prospects for sustainable peace.

49. The continuing expansion of Israeli settlements in the occupied territories and the confiscation of Palestinian property were of major concern to the Union and its associates. Such actions were contrary to international law and also contravened agreements already concluded. A total halt to the work on settlements was indispensable to confidence in the peace process. Israel should refrain from any action likely to create mistrust.

50. Another concern was the increasing problems faced by Palestinian residents of Jerusalem. For example, they risked losing their Jerusalem identification cards if they were dual citizens or if, despite meeting the previous residence requirements, they had lived or worked for extended periods outside the city in the West Bank or abroad. Such blatant attempts to change the demographic composition of Jerusalem were contrary to international law and posed a risk to the negotiations on the final status of the Palestinian territories.

51. Furthermore, the repeated closure by Israel of the borders of the West Bank and Gaza with Israel, Jordan and Egypt, and the restrictions on freedom of movement in the West Bank and East Jerusalem, constituted an impediment to the stability and development of those areas. Measures taken by the Israeli Government to ease restrictions were to be welcomed, but more should be done to alleviate the economic plight of the Palestinians.

52. The Union had intensified its support for the peace process, most notably through the appointment of a Special Envoy, Ambassador Moratinos, whose mission was complementary to the efforts being undertaken by the United States and others. The States members of the Union and the European Commission had also committed themselves to the socio-economic development of the Gaza Strip and the West Bank. Among further evidence of the Union's commitment to the peace process was its support for endeavours to combat all acts of terrorism and violence. It remained ready to assist the parties on the difficult road ahead.

53. Mr. SHUBAILAT (Observer for the League of Arab States) said that the principles underlying the Arab countries' negotiations with Israel - namely, land for peace and respect for international law - still applied, despite Israel's refusal to implement the agreements reached. The newly elected Israeli Government wished to impose peace on its own terms, without accepting its obligations in that regard.

54. In particular, five Israeli practices led to violations of the human rights of the Palestinian, Syrian and Lebanese people. In the first place, the new Israeli Government had failed to honour its obligations under the

Oslo Agreements. as shown by its intransigent refusal to withdraw its armed forces from the occupied Arab territories, its unwillingness to participate in new negotiations on a lasting solution and its harassment of the Palestinian Authority. Secondly, Israel was violating international law and increasing instability in the region by annexing new territories, expanding settlements and perpetrating acts of violence, repression and expropriation. Thirdly, Israel was trying to change the character of Jerusalem by constructing new buildings and destroying old ones, committing acts of terrorism against the inhabitants of the city, isolating Bethlehem from Jerusalem, building new Jewish areas in the West Bank and expropriating Palestinian property in Jerusalem. Fourthly, Israel was not only persisting in its illegal occupation of the Syrian Golan, but was intensifying its activity in that area. Fifthly, Israel had consistently refused to comply with the relevant United Nations resolutions, especially Security Council resolution 425 (1978) concerning Israel's occupation of southern Lebanon.

55. The attitude, actions and policies of the new Israeli Government threatened the peace process and ran counter to the will of the entire international community. The allegation that security considerations justified Israel's derogation from the principles underlying the negotiations was unfounded, since the international community - including the Arab peoples - had decided to seek peace and security for all inhabitants of the region as a strategic objective.

56. Israel was mistaken in believing that it could achieve peace without allowing the Palestinian people to establish an independent State with Jerusalem as its capital and without withdrawing its military forces from the Syrian Golan and southern Lebanon.

57. He called on the Commission to urge Israel to implement the relevant United Nations resolutions in order to end the suffering of the Arab peoples whose human rights were being violated.

58. Mr. DLAMINI (Observer for Swaziland) said that peace in the Middle East could be achieved only if all parties to the conflict honoured, to the letter, all of the agreements entered into between 1991 and 1995. The Commission had a duty to identify warning signs, and not only in the Middle East, of the unlawful occupation of a Member State by another Member State. In that connection, there was an alarming tendency of some Member States to fail to respect the national laws of other Member States just because they did not emulate foreign legislation. National sovereignty could also be violated not only by occupation, but also by the disruption of peace and development in a country, and the Commission must be prompt to condemn such disruption.

59. He shared the concerns of other delegations about the policies of the new Israeli Government, and urged the latter to pursue negotiations rather than resort to military force. The Commission should analyse the violation of human rights in the Middle East, and in other regions also. In particular, the fact that certain nations had allowed weapons to flow into Africa constituted a violation of human rights, since it had resulted in widespread injury and death, especially in vulnerable groups such as children, women and the elderly.

60. Mr. ABRAM (World Jewish Congress) said that the Special Rapporteur's report should prompt the Commission to review its own compliance with the Charter of the United Nations, which required that all States should be treated equally. Although no country had a perfect human rights record, the research institute Freedom House had recently included Israel in its list of nations described as "free", while some 60 per cent of the member countries of the Commission were classified as either "partly free" or "not free".

61. Nonetheless, the Commission's agenda had always been disproportionately focused on the human rights situation in Israel; at the current session, three days would be devoted to the consideration of human rights violations in Israel and only five days to the situations in all other countries, including Israel, which was grouped under agenda item 10 with such tragic situations as those in Rwanda and the former Yugoslavia. Israel would also be considered under item 7.

62. The Commission's focus on Israel prevented it from paying enough attention to the human rights situation elsewhere. Over the last 30 years, over 25 per cent of its condemnatory resolutions had concerned Israel; none of them had criticized Stalin, China's Cultural Revolution or the legislative apartheid formerly practised in the United States.

63. The extraordinary mandate of the Special Rapporteur was evidence of the unequal treatment of Israel, since it was the only such mandate that was open-ended and did not have to be renewed annually. Moreover, the Special Rapporteur's findings were predetermined by the fact that his mandate concerned the "violation" (not the situation) of human rights in the occupied Arab territories.

64. That mandate should be amended to include the investigation of the human rights situation of the 98 per cent of the Palestinian population currently under the civil jurisdiction of the Palestinian Authority which, according to Amnesty International, was responsible for widespread human rights abuses. The Special Rapporteur had, however, ignored those abuses, asserting that the Palestinian Authority had no legal responsibility to respect the obligations of human rights law. That statement failed to acknowledge that every authority was bound by natural law and that the Palestinian Authority had undertaken, in the Oslo II Agreement, to pay due regard to internationally accepted human rights principles.

65. In the interest of fairness to both Israel and the people who suffered from those abuses, the Commission must investigate human rights conditions in the territories controlled by the Palestinian Authority, whose power, unlike that of Israel, was not as yet curbed by a free press, an independent judiciary, a vocal civil liberties union or other guardians of liberty.

66. The Special Rapporteur had produced a one-sided, deeply flawed report that illustrated the consequences of the Commission's long history of violating the Charter's principle of the equal treatment of all States. That practice threatened to compromise the credibility and reputation of the Commission.

67. Ms. McELREE (Amnesty International) said that, although Israel was a party to the International Covenant on Civil and Political Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it had effectively legalized torture in three ways. First, in 1987, it had sanctioned the General Security Service's use of physical pressure; secondly, since October 1994, it had consistently renewed the right to use increased physical pressure, including the violent shaking of detainees; and thirdly, in 1996, the Supreme Court had ruled that the use of physical force against specified detainees could continue.

68. The Israeli Government had replied to the concerns of Amnesty International by denying that such ill-treatment constituted torture. However, the violent shaking of detainees had been known to produce unconsciousness and even death, and neurologists confirmed that it could cause brain damage or death, yet the practice was still officially authorized. The Government also maintained that detainees were under constant medical supervision, but a recent Amnesty International report had found that the torture, ill-treatment and humiliation of detainees placed current prison medical practice in conflict with medical ethics. Lastly, Israel had claimed that only "terrorists" were subjected to physical force. However, the international instruments ratified by Israel specified that torture and ill-treatment were not permissible under any circumstances.

69. Her organization feared that international acquiescence to Israel's effective legalization of torture would undermine the fabric of international human rights protection established by the United Nations over the last 50 years. It called on the Commission to urge the Government of Israel to take immediate steps to bring its laws and practices into conformity with the human rights standards it had freely ratified.

70. Mr. SIDDIQUI (International Federation of Human Rights (FIDH)), speaking also on behalf of the Palestinian Centre for Human Rights, said that Israel's occupation of Palestinian territories provided a framework for the violation of the human rights of the Palestinian people, as evidenced in September 1996 by the worst outbreak of violence in the territories since the 1967 war. The causes of those clashes remained unresolved; yet the issues were fundamental to the human rights of the Palestinian people.

71. The peace process had not restored normality and freedom to the Palestinians, who continued to suffer hardships, particularly as a result of Israel's ability to close the borders of the West Bank and Gaza Strip at will. The total closures imposed in 1996 had not only restricted freedom of movement, but had also prevented humanitarian aid from reaching Gaza.

72. According to the report of an FIDH fact-finding mission, the closure had resulted in flagrant violations of the rights of the Palestinian people in terms of the Oslo Agreements and international conventions. Palestinians held in Israeli prisons were subjected to interrogation techniques which amounted to torture, legitimized by Israel despite being in violation of the human rights standards ratified by Israel. Israel fuelled tension by continuing to confiscate Palestinian land for the illegal development of Israeli settlements and by its provocative actions in Jerusalem, in defiance

of international law and the will of the international community. The peace process was being undermined by such uncensured Israeli actions.

73. The use of the veto by the United States in Security Council discussions on the matter ran counter to international efforts to secure peace in the Middle East. The United States Government even tolerated American investment in Israeli settlements in the occupied territories, in violation both of international law and the peace agreements signed by the Palestinians and Israelis.

74. Although there was also serious cause for concern about the human rights situation in the autonomous areas, the Palestinian Authority was struggling to affirm the rule of law in an occupation-scarred and dilapidated justice system, and was in great need of international support. The human rights of the Palestinian people must be guaranteed if peace was to come to the occupied territories.

75. Mr. LAMDAN (Observer for Israel), speaking in exercise of the right of reply, said that the observer for Palestine had lived up to his reputation for inaccuracy and lack of integrity by alleging that Israeli authorities had injected 300 Palestinian children with the HIV virus. That was a blatant and barefaced lie, which the members of the Commission would undoubtedly bear in mind when assessing the rest of that observer's statement.

76. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right of reply, said that the allegation was based on reports in Israeli newspapers. He would be pleased if the reports were not correct, but the fact remained that Israel still had many other violations of human rights to answer for.

77. Mr. LAMDAN (Observer for Israel), speaking in exercise of the right of reply, said it was inconceivable that such a story could have appeared in an Israeli newspaper, unless it was reporting the fantasies regularly found in the Arab media. Everyone in the room would recognize the story as a barefaced lie and the product of a sick mind.

78. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right of reply, said that the Commission should investigate every alleged violation of human rights, not only the injection of Palestinian children with the HIV virus but all the crimes and atrocities for which the Israeli Government was responsible.

79. Mr. LI Baodong (China), speaking in exercise of the right of reply, said he regretted that, at the previous meeting, the Minister for Foreign Affairs of Sweden had abused her status as guest speaker to make unfounded accusations against China, in an attack that could only be detrimental to the international cooperation on human rights issues that she claimed to support.

80. Her statement ran counter to the prevailing trend in the Commission towards greater cooperation and the avoidance of confrontation. Equality and

mutual respect were the basis for such cooperation, and the confrontation engaged in by certain countries was counterproductive. Respect was a two-way process: to enjoy it, you had first to show it to others.

81. Mr. MOLANDER (Observer for Sweden), speaking in exercise of the right of reply, said that distinguished guest speakers were entitled to address the entire Commission agenda, including item 10. Freedom of opinion and freedom of speech were fundamental human rights and, although they were not always respected in the world outside, they should at least prevail in the meetings of the Commission.

The meeting rose at 5.45 p.m.